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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,723	01/14/2000	Sharon S. Liu	5437-109	8755

29989 7590 01/15/2003

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EXAMINER

HUSEMAN, MARIANNE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483,723

Applicant(s)

LIU ET AL.

Examiner

M. Huseman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 – 69 have been considered but are moot in view of the new ground(s) of rejection. While Elgamal et al has been retained to teach the various restrictions regarding encryption rules, Ginter et al has been used, alone and with Elgamal et al, to teach that restrictions can be attached to applications and so not require the application to return to a framework.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, 6 – 12, 15, 18, 19, 70 – 72, 24 – 26, 29 – 35, 38, 41, 42, 73 – 75, 47 – 49, 52 – 58, 61, 64, 65, and 76 – 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al, US 2002/0112171 (hereinafter referred to as Ginter et al).

Examiner's note: Examiner has cited particular columns/pages and line/paragraph numbers in the reference as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Regarding claims 1 – 3, 6 – 12, 15, 18, 19, 70 – 72, 24 – 26, 29 – 35, 38, 41, 42, 73 – 75, 47 – 49, 52 – 58, 61, 64, 65, and 76 – 78:

Ginter et al teach systems and methods for electronic rights protection such that Applicants' step of receiving a request, instantiating an implementation and determining a set of restrictions reads on a VDE content provider providing content (application) to a user who later registers (requests) the application with the VDE provider who then places rules, restrictions and/or control information in the content/application (implementation customization), pages 11, paragraph [0165], Applicants' enforcement logic for enforcing said restrictions reads on the control information, pages 19 and 25,

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paragraphs [0212] and [0236], Applicants' step of encapsulating and providing reads on the VDE provider placing the control information in the user application page 32, paragraphs [0407] and [0417].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al in view of Ginter et al, US 2002/0112171 (hereinafter referred to as Ginter et al).

Regarding claims 1, 6, 11, 12, 24, 29, 34, 35, 47, 52, 57, 58, 70, 71, 73, 74, 76 and 77:

Elgamal et al teach an apparatus for integrated dynamic encryption and/or decryption for use in an application such that Applicants' step of receiving a request from an application reads on application, element 101, 102 or 103 and column 5, lines 29 – 38, (step 302 of figure 3) Applicant's step of instantiating an implementation class reads on the cryptographic plug-in modules, (step 303 of figure 3) Applicants' step of determining restrictions reads on the policy filter initialization module, element 112, (step 304 of figure 3), and Applicants' steps of instantiating a wrapper class and encapsulating an implementation instance reads on the policy filters, elements 108 – 111.

Although Elgamal et al do not teach providing to the application, the customized implementation, but rather the result of an implementation, Ginter et al disclose that control information can be incorporated into an application so that the application can "travel"; i.e., the application will not have to go back to a framework in order to function – the rules are within the application. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elgamal et al so that the restrictions are incorporated into the application as taught by Ginter et al. so that the application can "travel" or be whole without having to keep referring back to a framework for those restrictions.

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Regarding claims ~~(3)~~ 26 and 49:

Applicants' unrestricted implementation reads on Table 2 wherein all of the Value Pairs would be true.

Regarding claims ~~(4)~~ 27 and 50:

Applicants' particular service reads on the purpose of Elgamal et al wherein there are an unlimited number of encryption/decryption parameters (as unlimited as the cryptographic plug-in modules).

Regarding claims ~~(5)~~ 28 and 51:

Applicants' unrestricted implementation reads on the use of Elgamal et al's system within the U.S., wherein there are no restrictions on key size.

Regarding claims ~~(7)~~ ~~(8)~~ 30, 31, 53 and 54:

The language of Applicants' claims 7, 8, 30, 31, 53 and 54 reads on the discussion at column 5, lines 29 – 42.

Regarding claims ~~(9)~~ ~~(10)~~ 32, 33, 55 and 56:

Applicants' exemption mechanism reads on the "conditional" value pair of Table 2.

Regarding claims 13, 36 and 59:

Applicants' digital signature reads on the digital signature of Elgamal et al.

Regarding claims 14, 37 and 60:

Applicants' authentication reads on column 6, lines 59 – 62.

Regarding claims 15, 38 and 61:

Applicants' step of accessing reads on Table 2.

Regarding claims 16, 17, 22, 23, 39, 40, 45, 46, 62, 63, 68 and 69:

Elgamal et al discloses a default configuration, column 6, lines 48 – 52.

Regarding claims 18 – 21, 41 – 44 and 64 – 67:

The language of Applicants' claims 18 – 21, 41 – 44 and 64 – 67 reads on the policy filters, column 7, lines 1 – 15.

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Regarding claims 72, 75 and 78:

The language of Applicants' claims 72, 75 and 78 read on a plurality of content users and their applications requiring different rules/restrictions (second customized implementation).

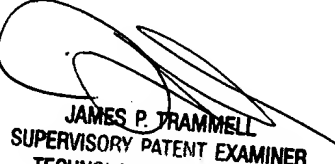
Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Huseman whose telephone number is 703-605-4277.

The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


M. Huseman
Examiner
Art Unit 3621

mh
January 13, 2003